

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

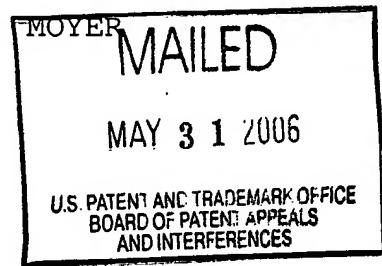
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AFZAL M. MALIK, WILLIAM C. MOYER

Appeal No. 2006-1007
Application No. 10/600,959

ON BRIEF



Before JERRY SMITH, BARRY, and BLANKENSHIP, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1-6, 8-10 and 13-19. Pending claims 7 and 20-22 have been indicated by the examiner to contain allowable subject matter.

The disclosed invention pertains to a method and apparatus for configuring a prefetch buffer.

Representative claim 1 is reproduced as follows:

1. A method for configuring a prefetch buffer, comprising:
 - receiving a read request from a master; and
 - in response to the read request, selectively modifying total length of one or more prefetch buffer lines of the prefetch buffer based on an attribute of the read request to an adjusted line size thereby eliminating dedication of buffer storage to unused positions of the one or more

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prefetch buffer lines, the prefetch buffer having lines of differing total length during operation.

The examiner relies on the following references:

Hicks et al. (Hicks)	6,085,291	July 04, 2000
Peters et al. (Peters)	6,636,927	Oct. 21, 2003
		(filed Sep. 24, 1999)

Claims 1-6, 8-10, 13-16 and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the disclosure of Peters. Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Peters in view of Hicks.

Rather than repeat the arguments of appellants or the examiner, we make reference to the briefs and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the briefs along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the evidence relied on by the examiner fails to support the examiner's rejections. Accordingly, we reverse.

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We consider first the examiner's rejection of claims 1-6, 8-10, 13-16 and 19 as being anticipated by Peters. Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

The examiner has indicated how the invention of these claims is deemed to be fully met by Peters [answer, pages 3-7]. With respect to independent claim 1, appellants argue that Peters discloses a plurality of prefetch buffers having master-specific prefetch sizes so that a prefetch buffer of fixed and non-varying size exists for each master. Appellants also argue that Peters does not anticipate claim 1 because Peters functions to route data to a predetermined fixed size line of a prefetch buffer determined by which requesting device originates the operation [brief, pages 5-7]. The examiner responds that the claimed total length of one or more prefetch buffer lines is broad and can be interpreted as the cache line size or the total number of cache lines. The examiner notes that the width and depth of the

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buffers in Peters are set by fields in the control registers which inherently results in the elimination of dedicated buffer storage to unused portions of the one or more prefetch buffer lines [answer, pages 10-13]. Appellants respond that Peters fails to disclose the prefetch buffer having lines of differing total length during operation, and that the claimed eliminating step is not inherent in Peters. Appellants assert that Peters does not selectively modify the total length of one or more prefetch buffer lines, but instead, modifies the amount of data that is read from a prefetch buffer having fixed size lines [reply brief, pages 1-2].

We will not sustain the examiner's anticipation rejection of the claims on appeal for essentially the reasons argued by appellants in the briefs. Most importantly, we agree with appellants that there is no selective modification of the prefetch buffer lines in Peters of the type claimed. The examiner makes several references to the variability of the registers in Peters, but the registers in Peters do not correspond to the claimed prefetch buffer. The prefetch buffers of Peters are of fixed size, and the amount of data to be read out of the buffers is simply determined by the device requesting the data and the register corresponding to this device. To the extent that the examiner may be reading the claimed invention on Peters in a different manner, the examiner has failed to convey

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the subtleties of this interpretation in a manner that convinces us that Peters discloses the claimed invention. We note that the examiner has pointed out certain claim interpretations, but these interpretations fail to persuade us that the selective modification of the claimed invention results even assuming that the examiner's interpretation is well founded.

We now consider the rejection of claims 17 and 18 under 35 U.S.C. § 103 based on Peters and Hicks. Since the teachings of Peters are deficient for reasons discussed above, and since Hicks does not overcome the deficiencies of Peters, we do not sustain the examiner's rejection of these claims for the reasons discussed above.

In summary, we have not sustained either of the examiner's rejections of the claims on appeal. Therefore, the decision of the examiner rejecting claims 1-6, 8-10 and 13-19 is reversed.

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REVERSED

Jerry Smith
JERRY SMITH

JERRY SMITH
Administrative Patent Judge

~~LANCE LEONARD BARRY
Administrative Patent Judge~~

HOWARD B. BLANKENSHIP
Administrative Patent Judge

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